

**HEARING AND SPEECH EXAMINING BOARD
MINUTES
APRIL 25, 2011**

PRESENT: Okie Allen, Laura Feldhake, Samuel Gubbels, Steven Klapperich, Edward Korabic, Alma Peters, Marilyn Workinger, Peter Zellmer

STAFF: Dan Williams, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant; and other DRL Staff

GUESTS: Scott Larson, Arlene Hulwi

CALL TO ORDER

Edward Korabic, Chair, called the meeting to order at 1:33 p.m. A quorum of eight (8) was confirmed.

APPROVAL OF AGENDA

Amendments to the Agenda:

- After Item “D” (open session) Under the agenda item titled: “Presentation of Proposed Stipulations or Any Received After Mailing of the Agenda” **ADD:**
 - Clemence C. Rau, B.C., H.I.S., 08 HAD 015
- Before Item “E” (closed session) Under the agenda item titled: “Application Review(s) or Any Received After Mailing of the Agenda” **ADD:**
 - Margaret Leonard
 - Sara E. Gustafson
- Before Item “E” (closed session) Under the agenda item titled: “Deliberation of Proposed Stipulation, Final Decision and Orders or Any Received After Mailing of the Agenda” **ADD:**
 - Clemence C. Rau, B.C., H.I.S., 08 HAD 015

MOTION: Peter Zellmer moved, seconded by Okie Allen, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 24, 2011

MOTION: Okie Allen moved, seconded by Marilyn Workinger, to approve the Minutes of January 24, 2011 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Dan Williams introduced himself to the Board as its new bureau director. He reported to the Board regarding the following administrative matters:

- Travel policy: No out of state travel will be approved for 2011.
- Change to minute format: Minutes will reflect action items only.
- Division of Enforcement (DOE) Case Advisor Training: This training will be held on May 19, 2011.

Review of Appointments to the Board's Rule Writing Committee

Edward Korabic reviewed appointments he made to the Board's Rule Writing Committee and confirmed that Laura Feldhake's appointment to this Committee stands.

PUBLIC HEARING ON ADMINISTRATIVE RULES RELATING TO CONTINUING EDUCATION

Edward Korabic presided over a public hearing held by the Board for the purpose of receiving any comments relating to its proposed continuing education rule changes. No comments were provided to the Board during the public hearing.

Board Review of Clearinghouse Comments

Sharon Henes, Paralegal-Division of Board Services, and Dave Okonski, Office of Education and Examinations, participated in discussion of the continuing education rule clearinghouse comments.

MOTION: Okie Allen moved, seconded by Marilyn Workinger, that approved responses to CR 11-017 are accepted. Motion carried unanimously.

REVIEW FOR ADOPTION: SCOPE STATEMENT RELATING TO DECEPTIVE ADVERTISING AND THE GROUNDS FOR DISCIPLINE

The Board reviewed this scope statement.

MOTION: Peter Zellmer moved, seconded by Okie Allen, to adopt the scope statement to promulgate administrative rules to expand and clarify the definition of false, misleading and deceptive advertising as grounds for

discipline pursuant to 2009 Wisconsin Act 356. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS OR ANY RECEIVED AFTER
MAILING OF THE AGENDA**

Clemence C. Rau, B.C., H.I.S., 08 HAD 015

Attorney Aaron Konkol, Division of Enforcement Attorney, presented the Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Clemence C. Rau, B.C., H.I.S. (08 HAD 015). This matter will be deliberated during closed session.

(Okie Allen recused himself and left the room for the presentation of proposed stipulation in the matter concerning Clemence C. Rau, 08 HAD 015.)

RULE WRITING COMMITTEE REPORT

The Board noted that its Rule Writing Committee has not met, but is scheduled to convene following the conclusion of the Board meeting.

CORRESPONDENCE OR INQUIRIES RECEIVED BY LEGAL COUNSEL

Colleen Baird reviewed correspondence she received regarding practice matters. Laura Feldhake will work with Colleen Baird to respond this question.

CLOSED SESSION

MOTION: Peter Zellmer moved, seconded by Samuel Gubbels , to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)) and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote. Okie Allen-yes; Laura Feldhake-yes; Samuel Gubbels-yes; Steven Klapperich-yes; Edward Korabic-yes; Alma Peters-yes; Marilyn Worker-yes; and Peter Zellmer-yes.

Open session recessed at 2:24 p.m.

RECONVENE INTO OPEN SESSION

MOTION: Alma Peters moved, seconded by Marilyn Workinger, to reconvene into open session. Motion carried unanimously.

Open session reconvened at 3:48 p.m.

VOTING ON ITEMS DELIBERATED IN CLOSED SESSION

**APPLICATION REVIEW(S) OR ANY RECEIVED AFTER
MAILING OF THE AGENDA**

Margaret Leonard

MOTION: Alma Peters moved, seconded by Marilyn Workinger, to refer Margaret Leonard to the Division of Enforcement for follow-up. Motion carried unanimously.

Sara Gustafson

No action was required in response to this review.

(Both application reviews were added to the agenda after mailing of the agenda.)

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDERS
OR ANY RECEIVED AFTER MAILING OF THE AGENDA**

Clemence C. Rau, B.C., H.I.S. (08 HAD 015)

MOTION: Marilyn Workinger moved, seconded by Samuel Gubbels, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Clemence C. Rau, B.C., H.I.S. (08 HAD 015). Motion carried. Abstained: Okie Allen

(Okie Allen recused himself from discussion and left the room for voting and deliberation of the matter concerning Clemence C. Rau, B.C., H.I.S., 08 HAD 015)

**DELIBERATION PROPOSED DECISION AND ORDER IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST KAREN R. FENNEMA, RESPONDENT,
DIVISION OF HEARING AND APPEALS (DHA) CASE # DRL-09-0110,
DRL CASE #'S 05 HAD 015 & 05 HAD 017**

MOTION: Samuel Gubbels moved, seconded by Marilyn Workinger, to request that Colleen Baird draft a variance, per direction provided by the Board, to the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter of disciplinary proceedings against Karen R. Fennema, Respondent, Division of Hearing and Appeals (DHA) Case # DRL-09-0110, DRL Case #'s 05 HAD 015 & 05 HAD 017. The Board indicated that this matter should be brought back to the July meeting and an invitation for appearance should be extended to the respondent and her representing attorney. Motion carried. Abstained: Okie Allen

(Okie Allen recused himself from discussion and left the room for voting and deliberation of the matter concerning Karen R. Fennema, Respondent, DHA Case # DRL-09-0110, DRL Case #'s 05 HAD 015 & 05 HAD 017.)

GRANTING OF LICENSES

MOTION: Okie Allen moved, seconded by Peter Zellmer, to ratify the examination scores of April 25, 2011. Motion carried unanimously

ADJOURNMENT

MOTION: Okie Allen moved, seconded by Alma Peters, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:53 p.m.